



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR /	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,574	12/08/2000	Mark Steven Boggs	99P07535 US06	2703

7590 07/30/2003

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 07/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,574

Applicant(s)

BOGGS ET AL.

Examiner

Niketa I. Patel

Art Unit

2182

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 80-83 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 80 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by New et al.

U.S. Patent Number: 6,150,839 (hereinafter referred to as “New”.)

4. **Referring to claim 80**, *New* teaches an apparatus for supporting customized function calls in a programmable logic controller having a predetermined set of function calls (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41), the apparatus comprising: a customized function call for directing the programmable logic controller (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41); and wherein, the customized function call is downloaded to the programmable logic controller and stored as part of the predetermined

Art Unit: 2182

set of function calls (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41.)

5. **Referring to claim 82**, *New* teaches a method for supporting customized function calls in a programmable logic controller having a predetermined set of function calls, the method comprising the steps of (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41): creating a customized function call for directing the programmable logic controller (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41); downloading the customized function call to the programmable logic controller (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41); and storing the customized function call as part of the predetermined set of function calls (see column 1 – lines 19-22, 55-67; column 2 – lines 1-54; column 5 – lines 56-67; column 6 – lines 1-45, 60-67; column 7 – lines 1-13, 45-56; column 10 – lines 20-41.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over New et al. U.S. Patent Number: 6,150,839 (hereinafter referred to as "*New*".) as applied to claims 80 and 82 above, and further in view of Boggs et al. U.S. patent Number: 6,594,529 (hereinafter referred to as "*Boggs*".)

8. Referring to claims 81 and 83, *New* fails to explicitly set forth the limitation of a directory for reporting function calls of the programmable logic controller. However, *Boggs* teaches a directory for reporting function calls of the programmable logic controller (see *Boggs* column 23 – lines 55-67; column 24 – lines 1-12) resulting in a programmable logic controller with enhances and extended capabilities of an apparatus.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the apparatus of *New* to have a directory for reporting function calls of the programmable logic controller to allow a user to make a record of various function calls that the programmable logic controller is capable of performing. It is for this reason that one of ordinary skill in the art would have been motivated to implement a directory for reporting function calls to enhance and extend capabilities of an apparatus by keeping a record of various function call that are preformed by the programmable logic controller.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to programmable logic controller.

Art Unit: 2182

Rangasayee U.S. Patent Number: 6,356,108

Carmichael et al. U.S. Patent Number: 6,308,311


Lawman U.S. Patent Number: 6,049,222

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746 7239 for regular communications and (703) 746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3900.

NP
July 23, 2003



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100